Government of Madras.

JUDICIAL DEPARTMENT.

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1/35

CONFIDENTIAL.

Sheet 32

Recd.	} 1911.	Enclosures
...ed.		Spare copies

Letter No. 35, 9th January 1911.

NOTES PRINTED.

Prevention of Seditious Meetings Act.

Reporting on the desirability of continuing the — beyond March 1911.

FURTHER PA

No.	Department	Date.	G.O.

பாதுகாப்பு பிரிவு - 1

செப்பனிடுபவர் பெயர் : S. ராஜசேகரன்

செப்பனிடுவதற்காக எடுத்துக்-
கொள்ளப்பட்ட நாள். 05/06/2009 To 06/2009.

சரிபார்க்கும்
முதல் முநிபாள
கையொப்பம்

சரிபார்க்கும்
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ஆராய்ச்சி
உதவியாளர்
கையொப்பம்

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Government of Madras.

JUDICIAL DEPARTMENT.

CONFIDENTIAL.

Recd.	1911.	*Enclosures*
Regd.		*Spare copies*

Letter No. 35, 9th January 1911.

ORIGINAL

NP

Prevention of Seditious Meetings Act.

Reporting on the desirability of continuing the — beyond March 1911.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following papers :—

I

Dis. No. 27, Judicial, dated 28th January 1910.

Abstract.—Recording telegram from the Government of India, Home Department, dated 12th January 1910, stating that it has been decided to put the Prevention of Seditious Meetings Act of 1907 and the Criminal Law Amendment Act of 1908 in operation throughout India in order that Local Governments may be able to make use of their provisions without delay should occasion arise.

Letter No. 878, Judicial, dated 8th June 1910.

Abstract.—Informing the Government of India that this Government think it desirable that the currency of the Prevention of Seditious Meetings Act, 1907, should be extended and also that it should be permanently placed on the Statute Book.

II

Letter—from A. Earle, Esq., c.i.e., Officiating Secretary to the Government of India, Home Department (Political).
To—the Chief Secretary to the Government of Madras.
Dated—Calcutta, the 10th December 1910.
No.—1032.

No. 878, dated 8th June 1910.

I am directed to refer to the correspondence ending with your letter noted in the margin, in which the Government of Madras recommended legislation with a view to the Prevention of Seditious Meetings Act VI of 1907, which was to have expired on the 31st October 1910, being placed permanently on the Statute Book. As the Government of Madras are aware, the Government of India decided to limit legislation in Simla merely to the extension of the Act up to the 31st March 1911. Act XVII of 1910 was accordingly passed on the 6th August 1910, continuing the Act up to that date.

2. I am now to invite the opinion of the Governor in Council on the question whether the Act should be placed permanently on the Statute Book, or be extended for a further period, or whether, on the other hand, it should be allowed to lapse on the 31st March 1911.

No. 1141, Police, dated 5th November 1910.

3. I am, in this connexion, to invite attention to the letter from the Government of India, noted in the margin, regarding the amendment of the Police Act V of 1861 by the addition to it of all the provisions contained in section 42

(1) of the Bombay District Police Act IV of 1890, with certain modifications and additions, and to enquire whether, in the opinion of the Governor in Council, if these provisions were enacted, it would still be necessary to place permanently on the Statute Book, or to continue, the Seditious Meetings Act.

4. I am to request that the Government of India may be favoured with a very early reply which, together with their letter, it may eventually be necessary to communicate to the Members of the Legislative Council.

III

Telegram—from the Government of India, Home Department.
To—the Chief Secretary to the Government of Madras.
Dated—Calcutta, 1st January 1911.

Please reply urgently to letter No. 1032, dated 10th December, regarding Seditious Meetings Act.

IV

Telegram—from the Government of India, Home Department.
To—the Chief Secretary to the Government of Madras.
Dated—Calcutta, 8th January 1911.

Continuation of reminder, dated 1st January. Please say when reply to letter No. 1032, dated 10th December, regarding Seditious Meetings Act, is likely to be received.

V

Telegram—from the Chief Secretary to the Government of Madras.
To—the Government of India, Home Department.
Dated—9th January 1911.

Your telegram yesterday regarding reply to letter No. 1032, dated tenth December. Our reply to this letter as well as to your letter No. 1141, dated 5th November, is being despatched to-day.

Letter—from the Hon'ble Mr. A. G. CARDEW, C.S.I., Acting Chief Secretary to the Government of Madras.

To—the Secretary to the Government of India, Home Department.

Dated—Fort St. George, the 9th January 1911.

No.—35, Judicial.

I am directed to acknowledge the receipt of your letter No. 1032, Home Department (Political), dated the 10th of December 1910, inviting the opinion of the Governor in Council on the question whether the Seditious Meetings Act (VI of 1907) should be extended for a further period, or should be placed permanently on the Statute Book, or whether it should be allowed to lapse on the 31st March next.

2. In reply, I am directed to invite attention to Sir William Meyer's letter No. 878, Judicial, dated the 8th June 1910, in which it was stated that in the opinion of His Excellency the Governor in Council, it is desirable that the Seditious Meetings Act, 1910, should be placed permanently on the Statute Book. For the reasons then stated it appears to His Excellency the Governor in Council that it is in every way preferable thus to make the Act permanent than by a series of renewals for specific periods to give occasion each time for fresh discussion and dispute. If the Act is to be retained at all, it should, in the opinion of this Government, be retained permanently. Nor does His Excellency the Governor in Council see that any useful purpose will be served by adopting the suggested course of temporary renewal.

3. As regards the other alternative which is mentioned in your letter, viz., that the Act should be allowed to lapse on the 31st March next, I am to state that the Government of Madras would view with great regret the adoption of that course. In the opinion of this Government the existence and operation of the Act in this Presidency has given rise to no legitimate grounds of complaint nor has its existence caused the smallest restriction upon the liberty of free speech and free meeting. In this connection His Excellency the Governor in Council would draw attention to the remarks which fell from Sir Harvey Adamson in his speech delivered in the Legislative Council of the Government of India at the meeting of the 1st November 1907. He observed that the objections to the Bill which was then before the Council had been greatly exaggerated. He pointed out that the Act was only intended to meet exceptional circumstances of danger and that as soon as those circumstances have ceased to exist the notification applying the provisions of the Act to a proclaimed area can be at once rescinded while in no case can such a notification remain in force for more than six months. He further pointed out that in the year in which he was speaking in the Madras Presidency, which had hitherto been free from political disturbances, a serious riot had occurred in Cocanada in consequence of the inflammatory speeches which had recently been delivered in that neighbourhood. Shortly after Sir Harvey Adamson's speech was delivered, a still more serious riot occurred in the town of Tinnevelly and this outbreak was traceable with equal clearness to the seditious speeches which had recently been delivered in that place by Chidambaram Pillai and other persons who have since been convicted in course of law. I am to point out that since the Seditious Meetings Act has been in existence there has been no recrudescence of this dangerous form of oratory. The existence of the Act in the Statute Book has alone been sufficient to prevent its being necessary to put in force its provisions. In its nature the Act is merely preventive and it only applies after an area has been definitely proclaimed under section 2 (1) thereof. If it is found that through the mere existence of the Act the effect which it was desired to obtain has been achieved without any restriction being actually imposed upon the liberty of speech or meeting, it appears to His Excellency the Governor in Council that the Act has been signally justified and that to abandon it now would be a serious administrative error.

4. In paragraph 3 of your letter under reply the attention of this Government is drawn to your letter No. 1141, Police, dated the 5th November 1910, in which certain amendments to Police Act V of 1861 have been suggested, and this Government are asked to state whether if these provisions were enacted it would still be necessary to place permanently on the Statute Book or to continue the Seditious Meetings Act, 1907. In reply to this question, I am to state that in the opinion of this Government the proposed amendments to the Police Act of 1861 though useful in themselves are not an adequate substitute for the Seditious Meetings Act. It appears to His Excellency in Council that it is in every way preferable that action intended to prevent the misuse of the right of public speech and assembly should be taken by the local Government after due deliberation and in view of the whole political atmosphere of the Presidency rather than that it should be left to be initiated by Magistrates whose information is necessarily limited to a restricted area and whose discretion may or may not be soundly exercised. The Government of Madras have no objection, however, to the additions and amendments proposed to the Police Act, 1861, but they are strongly of opinion that these amendments should be supplementary and not alternative to the Prevention of Seditious Meetings Act, 1907.

5. For these reasons the Government consider that the Seditious Meetings Act should be placed permanently on the Statute Book. They desire to emphasize the fact that though, at the present time, the condition of affairs in the Madras Presidency is such as to give no cause for any immediate apprehension, past experience shows that in the absence of due powers of restraint over seditious oratory, excitement of a dangerous character may be brought into existence at very short notice. The Government are not aware what reasons have been suggested against the continuance of the Act, but they trust that the Government of India will not allow this very salutary enactment to lapse unless they have very much more cogent reasons for doing so than are known to this Government.

CONFIDENTIAL

JUDICIAL DEPARTMENT.

NOTES CONNECTED WITH LETTER No. 35, JUDICIAL, DATED 9TH JANUARY 1911.

[SUBJECT.—*Continuance of the Seditious Meetings Act beyond March* 1911.]

I

Previous papers:

Confdl. Dis. No. 27, *Judicial, dated* 28*th Jan.* 1910.
Letter No. 878, *Judicial, dated* 8*th June* 1910.
G.O., „ 1308 „ „ 30*th Aug.* „
Letter „ 5608-1 „ „ 12*th Sept.* „

II

From the Government of India, Home Department, No. 1032, *dated* 10*th December* 1910.

Demi-official—from A. EARLE, Esq., Officiating Secretary to the Government of India, Home Department.
To—the Hon'ble Mr. A. G. CARDEW, C.S.I., Acting Chief Secretary to the Government of Madras.
Dated—Calcutta, the 12th December 1910.
No.—123-Political.

No. 1032, 10th December 1910.

"I am desired to refer to my official letter noted in the margin "on the subject of the Seditious Meetings Act VI of 1907.

"2. As it will probably be necessary to place this letter and the "reply to it in the hands of the members of the Imperial Legislative "Council, should the question of extending the period of the Act "or making it permanent come before the Council, I am to request "that your reply may be so drafted as to contain only such matter "as may, in the opinion of the Governor in Council, be made public "without objection and that any further remarks of a confidential "nature which it is undesirable to make public in this manner may "be addressed to me demi-officially for the consideration of the "Government of India."

Under Secretary—

Submitted for orders.

2. The Government of India were informed in letter No. 878, dated 8th June 1910, that in the opinion of this Government it was desirable that the Seditious Meetings Act should be placed permanently on the Statute Book, and in connection with a letter on the subject from the Hon'ble Mr. Seshagiri Aiyar, His Excellency the Governor again said "I don't think that it will be at all a bad thing to let it be known that we are opposed to the withdrawal of the Seditious Meetings Act and would like to see it permanently on the Statute Book." If India's enquiry had merely been about the continuance, permanent or temporary, or lapse, of the Seditious Meetings Act, they have only to be told that this Government adhere to the opinion already expressed in the letter of 8th June 1910.

Page 5 of Endorsement 5608-1, 12th September 1910.

They ask, however, whether the Seditious Meetings Act will still be necessary if the general Police Act is amended by the addition of the provisions in section 42 (1) of the Bombay District Police Act *, on the lines indicated in the linked file.

* They name only this Act in their letter on this file, but in the linked file have referred to the Bombay Acts and the Calcutta Acts.

Act VI of 1907.

These correspond to section 16-A (4) and 16-A (3) of the Calcutta and Suburban Police Act III of 1910.

Section 4, Act VI of 1907.

3. Now, holding of public meetings and delivery of political speeches in public places will become subject to restrictions if the area is "proclaimed" under section 2 of the Seditious Meetings Act. This preliminary "Proclamation" is not necessary when action is taken under the Bombay City Police Act, under section 23 (3) of which assemblies and section 23 (2) (*e*) delivery of harangues can be prohibited. On the other hand, the Seditious Meetings Act has an advantage in that once a proclaimed area is notified, meetings cannot be held or speeches made except under some conditions, and it is the duty of those who wish to hold a meeting to give notice or get permission, while under the Police Act, the authorities are to act on their own initiative and therefore must apparently be on the look-out to see if meetings are going to be held. The prohibition under the Seditious Meetings Act will remain in force for six months, while under the Police Act, it is operative only for seven days in Calcutta but "for so long as he considers such prohibition to be necessary for the preservation of the public peace or public safety in Bombay." To some extent, therefore, the object of the Seditious Meetings Act will be attained by the incorporation of the provisions relating to public assemblies in the Calcutta and Bombay City Police Acts, in the general Police Act, and extending the provisions to Madras.

Section 2 (2), Act VI of 1907.
Section 16-A (4) proviso, Bengal Act III of 1910.
Section 23 (3) of Bombay Act IV of 1902.

Section 4 (3), Act VI of 1907.

4. There are some other points of difference between the two enactments, *e.g.*, provision for deputing Police officers to take down a report of the proceedings of a meeting, under the Seditious Meetings Act, which finds no place in the Police Act, the reason apparently being that while meetings may still be held, with permission, under the former Act, they are absolutely prohibited for a space of time under the latter. Penalties are also different in the two Acts.

5. Attention is invited to Mr. Earle's demi-official of 12th December 1910, and orders are requested as to whether any portion of the reply should be sent to the Home Secretary demi-officially.

V.K.M.—16-12-10.

Deputy Secretary—

When, in our letter to India, dated 8th June 1910, No. 878, Judicial, we said that it appeared desirable that the Prevention of Seditious Meetings Act should be placed permanently on the Statute Book, we had not in veiw the alternative course which India now suggest, viz., that its place should be taken by the incorporation in Indian Police Act V of 1861 of provisions on the lines of section 42 (1) of the Bombay District Police Act IV of 1890.

2. I submit, however, that the alternative course should not be approved by this Government. There is a suspicion of timidity about the proposal and, as will be seen from the linked file, the attempt to carry out the proposal has led India to make somewhat clumsy efforts to extend the provisions of the Police Act beyond the proper scope of such an enactment.

Not *as an alternative*. We need not object to such legislation *as a supplement*.
A. L[AWLEY].

I don't think we need lay too much stress on this point. We may end in getting nothing ! !
A. L[AWLEY].

Quite so.
A. L[AWLEY].

3. I submit, moreover, that the suggested amendment of the Police Act by the inclusion (beyond what was originally proposed) of provisions intended to bring the prevention of seditious meetings within its scope will excite just as vehement an opposition as would the continuance of the Act of 1907 ; and the measure would lack the support of that argument which must appeal so strongly to moderate men, viz., that the Act remains practically dormant until deliberate and continued misconduct brings it into operation. No local Government is likely to issue a notification under section 2 of the Act unless and until unmistakeable signs of disloyalty have manifested themselves for some time in the area to be proclaimed. But if section 42 (1) of the Bombay District Police Act is incorporated in the India Police Act, not in its present limited scope (which is perhaps unobjectionable) but so as to include wider movements of sedition and disloyalty towards British rule in India, then, I submit, the country will be subject to the idiosyncracies of individual Magistrates who, with limited perspective and without guidance, will prohibit everything or

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permit anything, according as nervousness or hardihood predominates in their character. The central Government alone should, I submit, deal with the larger and far-reaching question of sedition, leaving merely local disturbances and isolated acts of insubordination to authority to be controlled by the local officers.

4. Further, sections 3 and 4 of the Act of 1907 contain certain details of importance, and it is not shown how these are to be provided for in the enlarged Police Act.

5. I submit that we may oppose India's suggestion.

S. H. SLATER—4-1-11.

Chief Secretary—

The Government of India were informed in letter No. 878, Judicial, dated 8th June 1910, that this Government thought it desirable that the Seditious Meetings Act, 1907, should be permanently placed in the Statute Book, and the question is whether the proposed additions to the Police Act V of 1861 dealt with in the linked file are such as to induce this Government to accept them in place of the Seditious Meetings Act. The impression gained from the history of these proposed additions to the Police Act is that from a simple proposal to provide against the dissemination of portraits of seditionists, assassins, etc., the local Governments have been cleverly induced to express concurrence with much wider amplifications of the Police Act under cover of which the Government of India hope to be able to withdraw the Seditious Meetings Act while at the same time retaining the powers which it conferred. That provisions in substitution for it if withdrawn are required is a proof of the continuing necessity for it, and the Madras Government may well hesitate about accepting in place of a measure, to the nature of which the Government of India have themselves borne testimony, provisions the actual working of which remains to be tested and which there is good reason to believe would break down in time of stress.

2. However, it is smuggled out of sight the Seditious Meetings Act was an exceptional piece of legislation intended to meet exceptional circumstances, not such occasional disturbances as may break out in any locality. With disturbances it does not deal at all, it deals with organised campaigns of sedition, with those situations in which the magistracy under the ordinary provisions of a Police Act would be powerless, and in which it is necessary, not to take away the right of public meetings or free speech, but to insist that such meetings shall be held only with the knowledge of the Police and Magistracy so that they may be in a position to guard the public tranquillity. It does not seem at all a bad thing that when such a situation arises its gravity should be emphasised by proclamations under a special Act. This probably warns more moderate men that they have gone perhaps farther than they intended in giving countenance to seditious utterances, and it frightens off those sedition-mongers who are above all careful of their own skins. If there is good reason for believing that such situations will not arise again then the Seditious Meetings Act should simply be allowed to lapse.

3. The Government of India however have not suggested this and as a mere matter of tactics the proposal to meet such situations by provisions inserted in the ordinary Police Act seems to have little to recommend it. It is hardly to be expected that the real effect of these provisions will escape the keen and practised eyes of Bengali and Mahratta lawyers. In a proposal to continue the Seditious Meetings Act they can have no fresh arguments to bring forward, they can only plead that India is now quiet and will remain quiet. The proposed legislation will enable them to traverse the whole field again from fresh points of view and with some justice to accuse the Government of acting in an insidious manner. The Seditious Meetings Act was, at any rate, straightforward.

4. If the action which could be taken under the proposed legislation with reference to public meetings is examined, it appears that at their widest the new proposals would admit of a District Magistrate forbidding throughout his jurisdiction if he thought it necessary all speeches on any political subject. He would only have to allege that

he anticipated that they would contain matter tending to cause contempt of or dissatisfaction towards the Government. This goes far beyond the Seditious Meetings Act, under which moreover action has to be initiated by the local Government. A District Magistrate has to convince his Government that things in his district are so bad that it is necessary that all meetings be brought under control. Under the Seditious Meetings Act meetings are only brought under control, under the proposed legislation they could be prohibited absolutely.

5. It is submitted that this Government may inform the Government of India that they adhere to their position that the Seditious Meetings Act should be permanently placed in the Statute Book and that they are strongly opposed to the proposal to promote special legislation under the guise of additions to the Police Act.

T. E. MOIR—5-1-11.

Hon'ble Sir M. Hammick—

Hon'ble Mr. Atkinson—

His Excellency the Governor—

This file has also been seriously delayed, and now needs to be dealt with with the least possible delay.

2. While the proposed amendments to the Police Act which are dealt with in the linked file may be accepted, I agree with the above notes that it is undesirable to adopt the further suggestion that, if this is done, the Seditious Meetings Act should be allowed to lapse. We may, I submit, urge that it should, on the contrary, be made permanent, not because there has in this Presidency been any need to use it but because its existence is itself a safeguard against the necessity arising.

J. N. A[TKINSON].

A. G. CARDEW—5-1-11.

Mr. Moir's note seems to me to put the case exactly as it ought to be put. The proposed legislation is likely to cause quite as much ill-feeling and discussion as a proposal to extend the Seditious Meetings Act and in the result we shall have a law under which individual Magistrates will be given powers which some of them will probably misuse with the result that the Government will perpetually be subject to criticism for the acts of its subordinates.

However I suppose as Sir W. Meyer indicated the truth is that the Home Government in England cannot swallow the idea of a permanent Seditious Meetings Act and a substitute has to be found.

In Bombay apparently the Government are satisfied with their ordinary powers as they seem to have withdrawn the Seditious Meetings Act and had we their Police powers which they have in Bombay, I suppose we should do the same.

I would tell India that we would certainly prefer the course of **A** making the Seditious Act permanent. In which case we would do without the extension of powers proposed in the linked file. But if the Seditious Meetings Act is not to be made permanent we certainly require an extension of powers under our Police Act, in the direction of the proposals in the linked file. This we can get of course by extending the amended India Police Act, as far as their particular sections are concerned to Madras.

M. H[AMMICK]—6-1-11.

I agree as to the nature of the reply to be sent to the Government of India on the subject of the continuance of the Seditious Meetings Act.

As to the passage in my Honourable Colleague's note which I have marked **A**, I understand him to mean that if the Seditious Meetings Act be made permanent, we here in Madras will not ask for the extension to this Presidency of any amendments of the nature discussed in the linked file, that may be carried out in the General Police Act (V of 1861). I do not think he means that in the

contingency named he would be in favour of dropping the amendment of Act V of 1861. I should be against any such proposal—to recommend the abandonment of the amendment of Act V of 1861. I would leave the Government of India to decide that point.

J. N. A[TKINSON]—6-1-11.

In the first place I must add my expression of disapproval of the casual way in which this question and the one dealt with in the linked file have been dealt with in the office.

This is a question of great importance and urgency and it had been treated as being of no moment whatsoever.

I am afraid that the Government of India are going to "scuttle"! and we must do all we can to get them to stiffen their back and insist on the retention of this very salutary enactment permanently on the Statute Book.

If ever a measure was justified by results surely here is one.

Time does not allow me to go through the arguments which have been brought forward for and against the Bill. They—or at least the main arguments—should have been marshalled and set out. Perhaps Sir Harvey Adamson's speech in the Governor-General's Council on 1st November 1907 may be said to present our case. It contains a very fair justification for the retention of the measure. We may, I think, well ask what cause for resentment to the Bill has any law-abiding citizen? Has time shown that any disability has been imposed on any well-disposed person?

I think that our policy should be to get all we can, *i.e.*, we should urge the retention of the Seditious Meetings Act by all the arguments available and at the same time accept the proposals set out in the linked file with the modifications recommended by Mr. Cardew. I should certainly like to see the drafts before they issue.

It has to be remembered that our reply will probably be published.

A. L[AWLEY]—7-1-11.

Draft very emergent.

A.G.C.—7-1-11.

Chief Secretary—

Draft submitted.

S.H.S.—8-1-11.

Honourable Member—

His Excellency the Governor—

The draft is submitted for approval.

2. A further urgent reminder has been received from the Government of India.

3. The more bulky books are withheld.

A.G.C.—9-1-11.

I approve the draft.

M. H[AMMICK]—9-1-11.

I approve.

A. L[AWLEY]—9-1-11.

Issue *at once* and send wire to India.

A.G.C.—9-1-11.

[Letter No. 35, Judicial, dated 9th January 1911.]

Under Secretary—

The letter to India about Seditious Meetings Act was despatched by last evening's mail.

For orders whether the file may be closed and the papers *printed.*

V.K.M.—10-1-11.

Yes.

S.H.S.—10-1-11.

Demi-official—from A. Y. G. CAMPBELL, Esq., C.I.E., I.C.S., Private Secretary to His Excellency the Governor.

To—the Hon'ble Mr. A. G. CARDEW, C.S.I., I.C.S., Acting Chief Secretary to Government.

Dated—the 11th January 1911.

No.—C. 9-2.

"I am desired by His Excellency to send you the enclosed letter "from Mr. Seshagiri Aiyar and a copy of my reply to be added to "the file on the subject".

Under Secretary—

For orders whether this correspondence may be printed in continuation of the notes in the Seditious Meetings Act file.

V.K.M.—17-1-11.

Yes.

S.H.S.—17-1-11.

Demi-official—from the Hon'ble Mr. T. V. SESHAGIRI AIYAR.

To—A. Y. G. CAMPBELL, Esq., C.I.E., I.C.S., Private Secretary to His Excellency the Governor.

Dated—Vepery, the 8th January 1911.

"At the last sitting of the Legislative Council, I asked a question "regarding the enforcement of 'The Prevention of Seditious Meetings "'Act' and followed it up by a supplementary question whether His "Excellency will advise the Supreme Government not to extend its "operation to Madras. The Senior Member of Council replied that "the Government was not prepared to accept my suggestion. Since "then I have seen in the papers a report to the effect that the "Bombay Government has informed His Excellency the Viceroy "that the Act is not required in that Presidency. His Excellency "Sir Arthur Lawley is not probably unaware that there have been "many prosecutions for sedition and conspiracy in Bombay. If I "remember right, meetings in connection with the Ganapati mela "had to be proscribed. At any rate, I think it can hardly be "disputed that Madras is more peaceful and quieter than any other "part of India. Its inhabitants are not less law-abiding and less "inclined to uphold authority than the people of Bombay. Under "these circumstances, it is not unreasonable to suggest that the "Madras Government should recommend to the Government of "India that there is no necessity for extending the operation of 'The "'Prevention of Seditious Meetings Act' to this part of India. His "Excellency, on the eve of his departure from Madras, will be "placing the people under a great obligation by an official declara- "tion that Madras under his regimé has been contented and law- "abiding, and that His Excellency finds out at the close of his career

"that there is no justification for applying the drastic provisions of "the Act to this Presidency. I shall feel highly obliged by your "placing this communication before His Excellency and for obtaining "favourable orders thereon."

Demi-official—from A. Y. G. CAMPBELL, Esq., C.I.E., I.C.S., Private Secretary to His Excellency the Governor.
To—the Hon'ble Mr. T. V. SESHAGIRI AIYAR.
Dated—the 11th January 1911.
No.—C. 9-1.

"I am desired by His Excellency to acknowledge the receipt of "your letter, dated the 8th January, regarding 'The Prevention of "'Seditious Meetings Act', and to inform you that the matter is "under consideration by the Madras Government".

Telegram—from the Government of India, Home Department.
To—the Chief Secretary to the Government of Madras.
Dated—the 13th January 1910.

"Demi-official No. 6. Your reply No. 35, dated January 9th, "regarding Seditious Meetings Act. Measures have been taken to "mark confidential. Please refer to demi-official letter No. 123, dated "December 12th, and say whether your letter above quoted contains "anything which His Excellency would not wish published. If it "does revised letter should be sent at once."

It was marked confidential *here*. See original.

A.G.C.

Chief Secretary—

The letter to India, No. 35, dated 9th January 1911 (marked confidential) is submitted. Mr. Earle's demi-official at page 1 *ante*.

A similar reference may be expected in regard to the Police Act amendment letter (No. 34, dated 9th January 1911), and Mr. Earle's demi-official.

V.K.M.—14-1-11.

His Excellency the Governor—

The telegram (demi-official No. 6, dated 13th instant) was received in cipher from the Government of India on Friday night. As the previous papers had been sent to the Press, and as the Press was shut yesterday for the Pongal holiday, I could not get the papers; but I showed both the Government of India's telegram and the proposed reply to both Honourable Members, who were at the Secretariat for a meeting on the budget, and they both approved of the proposed reply subject to your Excellency's approval. If the Government of India are going to make a stand in defence of the Seditious Meetings Act, it should, I submit, be based on the grounds stated in our letter, No. 35, and there seems no reason why those grounds should not be publicly stated.

A.G.C.—15-1-11.

I accept the draft telegram. I have no objection to the publication of our letter.

A. L[AWLEY]—15-1-11.

Issue sharp in cipher.

A.G.C.—16-1-11.

Telegram—from the Chief Secretary to the Government of Madras.
To—the Secretary to the Government of India, Home Department.
Dated—the 16th January 1911.

"Demi-official No. 27 replying your telegram demi-official "No. 6 of 13th. Government of Madras consider policy advocated "by them should be publicly based on reasons set out in my letter, "35, dated 9th instant, which contains nothing not intended for "publication."

Confidential.

Despd
9.1.11

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Judicial Department.

LETTER:- No. No. 35/9.1.11

To

The Secretary to the Govt. of
India, Home Department.

Sir,

I am directed to acknowledge the receipt of your letter No. 1032, H.D., Poll., dated the 10th of Decr. 1910, inviting the opinion of the Govt. in Council on the question whether the Seditious Meetings Act (VI of 1907) should be extended for a further period or should be placed permanently on the Statute Book or whether it should be allowed to lapse on the 31st March next.

2. In reply, I am directed to invite attention to Sir William Meyer's letter No. 878, Judl., dated the 8th June 1910 in which it was stated that in the opinion of H.E. the Governor in Council it is desirable that the

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Seditious Meetings Act, 1910, should be placed permanently on the Statute Book. For the reasons then stated it appears to H.E. the Governor in Council that it is in every way preferable thus to make the Act permanent than by a series of renewals for specific periods to give occasion each time for fresh discussion and dispute. If the Act is to be retained at all, it should, in the opinion of this Govt., be retained permanently. Nor does H.E. the Governor in Council see that any useful purpose will be served by adopting the suggested course of temporary renewal.

3. As regards the other alternative which is mentioned in your letter viz., that the Act should be allowed to lapse on the 31st March next, I am to state that the Govt. of Madras would view with great regret the adoption of that course. In the opinion of this Govt. the existence and operation of

the

the Act in this Presidency has given rise to no legitimate grounds of complaint nor ~~[illegible]~~ has its existence caused the smallest restriction upon the liberty of free speech and free meeting. In this connection H.E. the Governor in Council would draw attention to the remarks which fell from Sir Harvey Adamson in his speech delivered in the Legislative Council of the Govt. of India at the meeting of the 1st November 1907. He observed that the objections to the Bill which was then before the Council had been greatly exaggerated. He pointed out that the Act was [redacted] only intended to meet exceptional circumstances of danger [redacted] and that as soon as those circumstances have ceased to exist the ~~[illegible]~~ notification applying the provisions of the Act to a proclaimed area can be at once rescinded, while in no case can such a notification remain in force for more than 6 months. He further pointed out that in the year in which

he

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he was speaking, in the Madras Presidency which had hitherto been free from political disturbances a serious riot had occurred in Cocanada in consequence of the inflammatory speeches which had recently been delivered in that neighbourhood. Shortly after Sir Harvey Adamson's speech was delivered, a still more serious riot occurred in the town of Tinnevelly and this outbreak was traceable with equal clearness to the seditious speeches which had recently been delivered in that place by Chidambaram Pillai and other persons who have since been convicted in course of law. I am to point out that since the Seditious Meetings Act has been in existence there has been no recrudescence of this dangerous form of oratory. The existence of the Act in the Statute Book has alone been sufficient to prevent its being necessary to put in

force

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force its provisions. In its nature the Act is merely preventive and it only applies after an area has been definitely proclaimed under Section 2 (1) thereof. If it is found that through the mere existence of the Act the effect which it was desired to obtain has been achieved without any restriction being actually imposed upon the liberty of speech or meeting, it appears to H.E. the Governor in Council that the Act has been signally justified and that to abandon it now would be a serious administrative error.

4. In para 3 of your letter under reply the attention of this Govt. is drawn to your letter No. 1141, Police, dated the 5th November 1910 in which certain amendments to Police Act V of 1861 have been suggested and this Govt. are asked to

state

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state whether if these provisions were enacted it would still be necessary to place permanently on the Statute Book or to continue the Seditious Meetings Act, 1907. In reply to this question, I am to state that in the opinion of this Govt. the proposed amendments to the Police Act of 1861 though useful in themselves are not an adequate substitute for the Seditious Meetings Act. It appears to H.E. in Council that it is in every way preferable that [redacted] action intended to prevent the mis-use of the right of public speech and assembly should be taken by the local Govt. after due deliberation and in view of the whole political atmosphere of the Presidency rather than that it should be left to be initiated by Magistrates whose information is necessarily limited to a restricted area and whose discretion may or may not be soundly exercised. The Govt. of Madras have no objection,

however, to the additions and amendments proposed to the Police Act, 1861, but they are strongly of opinion that these amendments should be supplementary and not alternative to the Prevention of Seditious Meetings Act, 1907.

5. For these reasons the Govt. consider that the Seditious Meetings Act should be placed permanently on the Statute Book. They desire to emphasize the fact that though at the present time the condition of affairs in the Madras Presidency is such as to give no cause for any immediate apprehension, past experience shows that in the absence of due powers of restraint over seditious oratory, excitement of a dangerous character may be brought into existence at very short notice. The Government are not aware [redacted] what reasons have been suggested against the continuance of the

Act

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but they trust that the Govt. of India will not allow this very salutary enactment to lapse unless they have very much more cogent reasons for doing so than are known to this Govt.

[signature] 9.1.11

15/35

No. 35, JUDICIAL, 9TH JANUARY 1911.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers:—

II

Letter—from A. EARLE, Esq., C.I.E., Officiating Secretary to the Government of India, Home Department (Political).
To—the Chief Secretary to the Government of Madras.
Dated—Calcutta, the 10th December 1910.
No.—1032.

I am directed to refer to the correspondence ending with your letter noted in the margin, in which the Government of Madras recommended legislation with a view to the Prevention of Seditious Meetings Act VI of 1907, which was to have expired on the 31st October 1910, being placed permanently on the Statute Book. As the Government of Madras are aware, the Government of India decided to limit legislation in Simla merely to the extension of the Act up to the 31st March 1911. Act XVII of 1910 was accordingly passed on the 6th August 1910, continuing the Act up to that date.

(Margin: No. 878, dated 8th June 1910.)

2. I am now to invite the opinion of the Governor in Council on the question whether the Act should be placed permanently on the Statute Book, or be extended for a further period, or whether, on the other hand, it should be allowed to lapse on the 31st March 1911.

3. I am, in this connexion, to invite attention to the letter from the Government of India, noted in the margin, regarding the amendment of the Police Act V of 1861 by the addition to it of all the provisions contained in section 42 (1) of the Bombay District Police Act IV of 1890, with certain modifications and additions, and to enquire whether, in the opinion of the Governor in Council, if these provisions were enacted, it would still be necessary to place permanently on the Statute Book, or to continue, the Seditious Meetings Act.

(Margin: No. 1141, Police, dated 5th November 1910.)

4. I am to request that the Government of India may be favoured with a very early reply which, together with their letter, it may eventually be necessary to communicate to the Members of the Legislative Council.

I

Dis No. 27 Judl., d/28-1-1910

Recording telegram from the Govt. of India, H.D., d/12-1-1910 stating that it has been decided to put the Prevention of Seditious Meetings Act of 1907 and the Criminal Law Amendment Act of 1908 in operation throughout India in order that Local Govts. may be able to make use of their provisions without delay should occasion arise.

II

Letter No 878 Judl., d/8-6-1910

Informing the Govt. of India that this Govt. think it desirable that the currency of the Prevention of Seditious Meetings Act, 1907 should be extended and also that it should be permanently placed on the Statute Book

No. III

Telegram—from the Government of India, Home Department.
To—the Chief Secretary to the Government of Madras.
Dated—Calcutta, 1st January 1911.

Please reply urgently to letter No. 1032, dated 10th December, regarding Seditious Meetings Act.

No. IV

Telegram—from the Government of India, Home Department.
To—the Chief Secretary to the Government of Madras.
Dated—Calcutta, 8th January 1911.

Continuation of reminder, dated 1st January. Please say when reply to letter No. 1032, dated 10th December, regarding Seditious Meetings Act, is likely to be received.

No. V

Telegram—from the Chief Secretary to the Government of Madras.
To—the Government of India, Home Department.
Dated—9th January 1911.

Your telegram yesterday regarding reply to letter No. 1032, dated tenth December. Our reply to this letter as well as to your letter No. 1141, dated 5th November, is being despatched to-day.

Letter—from the Hon'ble Mr. A. G. CARDEW, C.I.E., Acting Chief Secretary to the Government of Madras.
To—the Secretary to the Government of India, Home Department.
Dated—the 9th January 1911.
No.—35, Judicial.

I am directed to acknowledge the receipt of your letter No. 1032, Home Department, Political, dated the 10th of December 1910, inviting the opinion of the Governor in Council on the question whether the Seditious Meetings Act (VI of 1907) should be extended for a further period or should be placed permanently on the Statute Book or whether it should be allowed to lapse on the 31st March next.

2. In reply, I am directed to invite attention to Sir William Meyer's letter No. 878, Judicial, dated the 8th June 1910, in which it was stated that in the opinion of His Excellency the Governor in Council, it is desirable that the Seditious Meetings Act, 1910, should be placed permanently on the Statute Book. For the reasons then stated it appears to His Excellency the Governor in Council that it is in every way preferable thus to make the Act permanent than by a series of renewals for specific periods to give occasion each time for fresh discussion and dispute. If the Act is to be retained at all, it should, in the opinion of this Government, be retained permanently. Nor does His Excellency the Governor in Council see that any useful purpose will be served by adopting the suggested course of temporary renewal.

3. As regards the other alternative which is mentioned in your letter, viz., that the Act should be allowed to lapse on the 31st March next, I am to state that the Government of Madras would view with great regret the adoption of that course. In the opinion of this Government the existence and operation of the Act in this Presidency has given rise to no legislative grounds of complaint

nor has its existence caused the smallest restriction upon the liberty of free speech and free meeting. In this connection His Excellency the Governor in Council would draw attention to the remarks which fell from Sir Harvey Adamson in his speech delivered in the Legislative Council of the Government of India at the meeting of the 1st November 1907. He observed that the objections to the Bill which was then before the Council had been greatly exaggerated. He pointed out that the Act was only intended to meet exceptional circumstances of danger and that as soon as those circumstances have ceased to exist the notification applying the provisions of the Act to a proclaimed area can be at once rescinded while in no case can such a notification remain in force for more than six months. He further pointed out that in the year in which he was speaking, in the Madras Presidency, which had hitherto been free from political disturbances, a serious riot had occurred in Cocanada in consequence of the inflammatory speeches which had recently been delivered in that neighbourhood. Shortly after Sir Harvey Adamson's speech was delivered, a still more serious riot occurred in the town of Tinnevelly and this outbreak was traceable with equal clearness to the seditious speeches which had recently been delivered in that place by Chidambaram Pillai and other persons who have since been convicted in course of law. I am to point out that since the Seditious Meetings Act has been in existence there has been no recrudescence of this dangerous form of oratory. The existence of the Act in the Statute Book has alone been sufficient to prevent its being necessary to put in force its provisions. In its nature the Act is merely preventive and it only applies after an area has been definitely proclaimed under section 2 (1) thereof. If it is found that through the mere existence of the Act the effect which it was desired to obtain has been achieved without any restriction being actually imposed upon the liberty of speech or meeting, it appears to His Excellency the Governor in Council that the Act has been signally justified and that to abandon it now would be a serious administrative error.

4. In paragraph 3 of your letter under reply the attention of this Government is drawn to your letter No. 1141, Police, dated the 5th November 1910, in which certain amendments to Police Act V of 1861 have been suggested, and this Government are asked to state whether if these provisions were enacted it would still be necessary to place permanently on the Statute Book or to continue the Seditious Meetings Act, 1907. In reply to this question, I am to state that in the opinion of this Government the proposed amendments to the Police Act of 1861 though useful in themselves are not an adequate substitute for the Seditious Meetings Act. It appears to His Excellency in Council that it is in every way preferable that action intended to prevent the misuse of the right of public speech and assembly should be taken by the local Government after due deliberation and in view of the whole political atmosphere of the Presidency rather than that it should be left to be initiated by Magistrates whose information is necessarily limited to a restricted area and whose discretion may or may not be soundly exercised. The Government of Madras have no objection, however, to the additions and amendments proposed to the Police Act, 1861, but they are strongly of opinion that these amendments should be supplementary and not alternative to the Prevention of Seditious Meetings Act, 1907.

5. For these reasons the Government consider that the Seditious Meetings Act should be placed permanently on the Statute Book. They desire to emphasize the fact that though, at the present time, the condition of affairs in the Madras Presidency is such as to give no cause for any immediate apprehension, past experience shows that in the absence of due powers of restraint over seditious oratory, excitement of a dangerous character may be brought into existence at very short notice. The Government are not aware what reasons have been suggested against the continuance of the Act, but they trust that the Government of India will not allow this very salutary enactment to lapse unless they have very much more cogent reasons for doing so than are known to this Government.

For approval

17/35

CONFIDENTIAL.

JUDICIAL DEPARTMENT.

NOTES CONNECTED WITH LETTER No. 35, JUDICIAL, DATED 9TH JANUARY 1911.

[SUBJECT.—*Continuance of the Seditious Meetings Act beyond March 1911.*]

Previous papers:—
Confl. Lr. No. 27 Judl. d/28-1-1910.
Letter No. 878 Judl. d/8-6-1910
G.O. No. 1308 " d/30-8-1910
Letter No. 5668-1 " d/12-9-1910

From the Government of India, Home Department, No. 1032, dated 10th December 1910.

Demi-official—from A. EARLE, Esq., Officiating Secretary to the Government of India, Home Department.
To—the Hon'ble Mr. A. G. CARDEW, C.S.I., Ag. Chief Secretary to the Government of Madras.
Dated—Calcutta, the 12th December 1910.
No.—123, Pol.

No. 1032, 10th December 1910.

"I am desired to refer to my official letter noted in the margin "on the subject of the Seditious Meetings Act VI of 1907.

2. "As it will probably be necessary to place this letter and the "reply to it in the hands of the members of the Imperial Legislative "Council, should the question of extending the period of the Act "or making it permanent come before the Council, I am to request "that your reply may be so drafted as to contain only such matter "as may, in the opinion of the Governor in Council, be made public "without objection and that any further remarks of a confidential "nature which it is undesirable to make public in this manner may "be addressed to me demi-officially for the consideration of the "Government of India.'

Under Secretary—

Submitted for orders.

2. The Government of India were informed in letter No. 878, dated 8th June 1910, that in the opinion of this Government it was desirable that the Seditious Meetings Act should be placed permanently on the Statute Book, and in connection with a letter on the subject from the Hon'ble Mr. Seshagiri Aiyar, His Excellency the Governor again said "I don't think that it will be at all a bad thing to let it be known that we are opposed to the withdrawal of the Seditious Meetings Act and would like to see it permanently on the Statute Book." If India's enquiry had merely been about the continuance, permanent or temporary, or lapse, of the Seditious Meetings Act, they have only to be told that this Government adhere to the opinion already expressed in the letter of 8th June 1910.

Page 5 of Endorsement 5668-1, 12th September 1910.

They ask, however, whether the Seditious Meetings Act will still be necessary if the general Police Act is amended by the addition of the provisions* in section 42 (1) of the Bombay District Police Act, on the lines indicated in the linked file.

* They name only this Act in their letter on this file, but in the linked file have referred to the Bombay Acts and the Calcutta Act.

3. Now, holding of public meetings and delivery of political speeches in public places will become subject to restrictions if the area is "proclaimed" under section 2 of the Seditious Meetings Act. This preliminary "proclamation" is not necessary when action is taken under the Bombay City Police Act, under section 23 (3) of which assemblies and section 23 (2) (*e*) delivery of harangues can be prohibited. On the other hand, the Seditious Meetings Act has an advantage in that once a proclaimed area is notified, meetings cannot be held or speeches made except under some conditions, and it is the duty of those who wish to hold a meeting to give

Act VI of 1907.

These correspond to section 16A (4) and 16A (3) of the Calcutta and suburban Police Act III of 1910.

Section 4, Act VI of 1907.

18/35

notice or get permission, while under the Police Act, the authorities are to act on their own initiative and therefore must apparently be on the look-out to see if meetings are going to be held. The prohibition under the Seditious Meetings Act will remain in force for six months, while under the Police Act, it is operative only for seven days in Calcutta but "for so long as he considers such prohibition to be necessary for the preservation of the public peace or public safety." To some extent, therefore, the object of the Seditious Meetings Act will be attained by the incorporation of the provisions relating to public assemblies in the Calcutta and Bombay City Police Acts, in the general Police Act, and extending the provisions to Madras.

Section 2 (2), Act VI of 1907.
Section 16A (4) proviso, Bengal Act III of 1910.
Section 23 (3) of Bombay Act IV of 1902.

4. There are some other points of difference between the two enactments, *e.g.*, provision for deputing Police officers to take down a report of the proceedings of a meeting, under the Seditious Meetings Act, which finds no place in the Police Act, the reason apparently being that while meetings may still be held, with permission, under the former Act, they are absolutely prohibited for a space of time under the latter. Penalties are also different in the two Acts.

Section 4 (3), Act VI of 1907.

5. Attention is invited to Mr. Earle's demi-official of 12th December 1910, and orders are requested as to whether any portion of the reply should be sent to the Home Secretary demi-officially.

—16-12-10.

V. K. M.

Deputy Secretary—

When, in our letter to India, dated 8th June 1910, No. 878, Judicial, we said that it appeared desirable that the Prevention of Seditious Meetings Act should be placed permanently on the Statute Book, we had not in veiw the alternative ~~cause~~ course which India now suggest, viz., that its place should be taken by the incorporation in Indian Police Act V of 1861 of provisions on the lines of section 42 (1) of the Bombay District Police Act IV of 1890.

2. I submit, however, that the alternative course should not be approved by this Government. There is a suspicion of timidity about the proposal and, as will be seen from the linked file, the attempt to carry out the proposal has led India to make somewhat clumsy efforts to extend the provisions of the Police Act beyond the proper scope of such an enactment.

Not *as an alternative.* We need not object to such legislation *as a supplement.*

A. L[AWLEY].

3. I submit, moreover, that the suggested amendment of the Police Act by the inclusion (beyond what was originally proposed) of provisions intended to bring the prevention of seditious meetings within its scope will excite just as vehement an opposition as would the continuance of the Act of 1907; and the measure would lack the support of that argument which must appeal so strongly to moderate men, viz., that the Act remains practically dormant until deliberate and continued misconduct brings it into operation. No local Government is likely to issue a notification under section 2 of the Act unless and until unmistakeable signs of disloyalty have manifested themselves for some time in the area to be proclaimed. But if section 42 (1) of the Bombay District Police Act is incorporated in the India Police Act, not in its present limited scope (which is perhaps unobjectionable) but so as to include wider movements of sedition and disloyalty towards British rule in India, then, I submit, the country will be subject to the idiosyncracies of individual Magistrates who, with limited perspective and without guidance, will prohibit everything or permit anything, according as nervousness or hardihood predominates in their character. The central Government alone should, I submit, deal with the ~~longer~~ larger and far-reaching question of sedition, leaving merely local disturbances and isolated acts of insubordination to authority to be controlled by the local officers.

I don't think we need lay too much stress on this point. We may end in getting nothing!!

A. L[AWLEY].

Quite so.

A. L[AWLEY].

4. Further, sections 3 and 4 of the Act of 1907 contain certain details of importance, and it is not shown how these are to be provided for in the enlarged Police Act.

5. I submit that we may oppose India's suggestion.

S. H. SLATER—4-1-11.

Chief Secretary—

The Government of India were informed in letter No. 878, Judicial, dated 8th June 1910, that this Government thought it desirable that the Seditious Meetings Act, 1907, should be permanently

placed in the Statute Book, and the question is whether the proposed additions to the Police Act V of 1861 dealt with in the linked file are such as to induce this Government to accept them in place of the Seditious Meetings Act. The impression gained from the history of these proposed additions to the Police Act is that from a simple proposal to provide against the dissemination of portraits of seditionists, assassins, etc., the local Governments have cleverly induced to express concurrence with much wider applications of the Police Act under cover of which the Government of India hope to be able to withdraw the Seditious Meetings Act while at the same time retaining the powers which it conferred. That provisions in substitution for it if withdrawn are required is a proof of the continuing necessity for it, and the Madras Government may well hesitate that accepting in place of a measure, to the nature of which the Government of India have themselves borne testimony, provisions the actual working of which remains to be tested for which there is good reason to believe would break down in time of stress.

2. However, it is smuggled out of sight the Seditious Meetings Act was an exceptional piece of legislation intended to meet exceptional circumstances, not such occasional disturbances as may break out in any locality. With disturbances it does not deal at all, it deals with organised campaigns of sedition, with those situations in which the magistracy under the ordinary provisions of a Police Act would be powerless, and in which it is necessary, not to take away the right of public meetings or free speech, but to insist that such meetings shall be held only with the knowledge of the Police and Magistracy so that they may be in a position to guard the public tranquillity. It does not seem at all a bad thing that when such a situation arises its gravity should be emphasised by proclamations, order or special Act. This probably warns more moderate men that they have gone perhaps farther than they intended in giving countenance to seditious utterances, and it frightens off those seditionmongers who are above all careful of their own skins. If there is good reason for believing that such situations will not arise again then the Seditious Meetings Act should simply be allowed to lapse.

3. The Government of India however have not suggested this and as a mere matter of tactics the proposal to meet such situations by provisions inserted in the ordinary Police Act seems to have little to recommend it. It is hardly to be expected that the real effect of these provisions will escape the keen and practised eyes of Bengali and Mahratta lawyers. In a proposal to continue the Seditious Meetings Act they can have no fresh arguments to bring forward, they can only plead that India is now quiet and will remain quiet. The proposed legislation will enable them to traverse the whole field again from fresh points of view and with some justice to accuse the Government of acting in an insidious manner. The Seditious Meetings Act was, at any rate, straightforward.

4. If the action which could be taken under the proposed legislation with reference to public meetings is examined, it appears that at their interest the new proposals would admit and District Magistrate to forbidding throughout his jurisdiction if he thought it necessary all speeches on any political subject. He would only have to allege that he anticipated that they would contain matter tending to cause contempt and for dissatisfaction towards the Government. This goes far beyond the Seditious Meetings Act, under which moreover action has to be initiated by the local Government. A District Magistrate has to convince his Government that things in his district are so bad that it is necessary that all meetings be brought under control. Under the Seditious Meetings Act meetings are only brought under control, under the proposed legislation they could be prohibited absolutely.

5. It is submitted that this Government may inform the Government of India that they adhere to their position that the Seditious Meetings Act should be permanently placed in the Statute Book and that they are strongly opposed to the proposal to promote special legislation under the guise of additions to the Police Act.

T. E. MOIR—5-1-11.

This file has also been seriously delayed, and now needs to be dealt with with the least possible delay.

2. While the proposed amendments to the Police Act which are dealt with in the linked file may be accepted, I agree with the above notes that it is undesirable to adopt the further suggestion that, if this is done, the Seditious Meetings Act should be allowed to lapse. We may, I submit, urge that it should, on the contrary, be made permanent, not because there has in this Presidency been any need to use it but because its existence is itself a safeguard against the necessity arising.

J. N. A[TKINSON].

A. G. CARDEW—5-1-11.

Hon'ble Sir M. Hammick—
Hon'ble Mr. Atkinson—
His Excellency the Governor—

Mr. Moir's note seems to me to put the case exactly as it ought to be put. The proposed legislation is likely to cause quite as much ill-feeling and discussion as a proposal to extend the Seditious Meetings Act and in the result we shall have a law under which individual Magistrates will be given powers which some of them will probably misuse with the result that the Government will perpetually be subject to criticism for the acts of its subordinates.

However I suppose as Sir W. Meyer indicated the truth is that the Home Government in England cannot swallow the idea of a permanent Seditious Meetings Act and a substitute has to be found.

In Bombay apparently the Government are satisfied with their ordinary powers as they seem to have withdrawn the Seditious Meetings Act and had we their Police powers which they have in Bombay, I suppose we should do the same.

I would tell India that we would certainly prefer the course of A | making the Seditious Act permanent. In which case we would do without the extension of powers proposed in the linked file. But if the Seditious Meetings Act is not to be made permanent we certainly require an extension of powers under our Police Act, in the direction of the proposals in the linked file. This we can get of course by extending the amended India Police Act, as far as their particular sections are concerned to Madras.

Mr. Slater must understand that it is no valid excuse for an Under Secretary to plead holidays for non-disposal of urgent file.

Forwarded whether this shd. be omitted.
Omit
G.M.

M. H[AMMICK]—6-1-11.

I agree as to the nature of the reply to be sent to the Government of India on the subject of the continuance of the Seditious Meetings Act.

As to the passage in my Honourable Colleague's note which I have marked *A*, I understand him to mean that if the Seditious Meetings Act be made permanent, we here in Madras will not ask for the extension to this Presidency of any amendments of the nature discussed in the linked file, that may be carried out in the General Police Act (V of 1861). I do not think he means that in the contingency named he would be in favour of dropping the amendment of Act V of 1861. I should be against any such proposal—to recommend the abandonment of the amendment of Act V of 1861. I would leave the Government of India to decide that point.

J. N. A[TKINSON]—6-1-11.

In the first place I must add my expression of disapproval of the casual way in which this question and the one dealt with in the linked file have been dealt with in the office.

This is a question of great importance and urgency and it had been treated as being of no moment whatsoever.

lc/ I am afraid that the Government of India are going to "Scuttle"! and we must do all we can to get them to stiffen their back and insist on the retention of this very salutary enactment permanently on the Statute Book.

If ever a measure was justified by results surely here is one.

Time does not allow me to go through the arguments which have been brought forward for and against the Bill. They—or at least the main arguments—should have been marshalled and set out. Perhaps Sir H. Adamson's speech in the Governor-General's Council on 1st November 1907 may be said to present our case. It contains a very fair justification for the retention of the measure. We may, I think, well ask what cause for resentment to the Bill has any law-abiding citizen? Has time shown that any disability has been imposed on any well-disposed person?

I think that our policy should be to get all we can, *i.e.*, we should urge the retention of the Seditious Meetings Act by all the arguments available and at the same time accept the proposals set out in the linked file with the modifications recommended by Mr. Cardew. I should certainly like to see the drafts before they issue.

It has to be remembered that our reply will probably be published.

A. L[AWLEY]—7-1-11.

Draft very emergent.

A.G.C.—7-1-11.

Chief Secretary—

Draft submitted.

S.H.S.—8-1-11.

Honourable Member—
His Excellency the Governor—

The draft is submitted for approval.

2. A further urgent reminder has been received from the Government of India.

3. The more bulky books are withheld.

A.G.C.—9-1-11.

I approve the draft.

M. H[AMMICK]—9-1-11.

I approve.

A. L[AWLEY]—9-1-11.

Issue *at once* and send wire to India.

A.G.C.—9-1-11.

[Letter No. 35, Judl., dated 9th Janr. 1911]

Under Secretary—

a/ The letter to India about Seditious Meetings Act was despatched by last evening's mail.

For orders whether the file may be closed and the papers *printed.*

(2) V.K.N.—10-1-11

Yes.

M./

S.H.S.—10-1-11.

L/

Demi-official—from A. Y. G. CAMPBELL, Esq., I.C.S., Private Secretary to His Excellency the Governor.
To—the Hon'ble Mr. A. G. CARDEW, C.S.I., I.C.S., Acting Chief Secretary to Government.
Dated—the 11th January 1911.
No.—C. 9-2.

"I am desired by His Excellency to send you the enclosed letter "from Mr. Seshagiri Aiyar and a copy of my reply to be added to "the file on the subject".

Under Secretary—

For orders whether this correspondence may be printed ~~after page 18~~ in continuation of the note ~~file~~ in the Seditious Meetings Act file.

V.K.I.—17-1-11.

Yes.

~~V.S.M.~~—17-1-11.

Demi-official—from the Hon'ble Mr. T. V. SESHAGIRI AIYAR.
To—A. Y. G. CAMPBELL, Esq., I.C.S., Private Secretary to His Excellency the Governor.
Dated—Vepery, the 8th January 1911.

"At the last sitting of the Legislative Council, I asked a question "regarding the enforcement of 'The Prevention of Seditious Meetings "'Act' and followed it up by a supplementary question whether His "Excellency will advise the Supreme Government not to extend its "operation to Madras. The Senior Member of Council replied that "the Government was not prepared to accept my suggestion. Since "then I have seen in the papers a report to the effect that the "Bombay Government has informed His Excellency the Viceroy "that the Act is not required in that Presidency. His Excellency "Sir Arthur Lawley is not probably unaware that there have been "many prosecutions for sedition and conspiracy in Bombay. If I "remember right, meetings in connection with the Ganapati mela "had to be proscribed. At any rate, I think it can hardly be "disputed that Madras is more peaceful and quieter than any other "part of India. Its inhabitants are not less law-abiding and less "inclined to uphold authority than the people of Bombay. Under "these circumstances, it is not unreasonable to suggest that the "Madras Government should recommend to the Government of "India that there is no necessity for extending the operation of 'The "'Prevention of Seditious Meetings Act' to this part of India. His "Excellency, on the eve of his departure from Madras, will be "placing the people under a great obligation by an official declara- "tion that Madras under his regimé has been contented and law- "abiding, and that His Excellency finds out at the close of his career "that there is no justification for applying the drastic provisions of "the Act to this Presidency. I shall feel highly obliged by your "placing this communication before His Excellency and for obtaining "favourable orders thereon."

Demi-official—from A. Y. G. CAMPBELL, Esq., I.C.S., Private Secretary to His Excellency the Governor.
To—the Hon'ble Mr. T. V. SESHAGIRI AIYAR.
Dated—the 11th January 1911.
No.—C. 9-1.

"I am desired by His Excellency to acknowledge the receipt of "your letter, dated the 8th January, regarding 'The Prevention of "'Seditious Meetings Act', and to inform you that the matter is "under consideration by the Madras Government".

Telegram—from the Government of India, Home Department.
To—the Chief Secretary to the Government of Madras.
Dated—the 13th January 1910.

It was marked confidential *here*. See original.
A.G.C.

"Demi-official No. 6. Your reply No. 35, dated January 9th, "regarding Seditious Meetings Act, measures have been taken to mark "confidential. Please refer to demi-official letter No. 123, dated "December 12th, and say whether your letter above quoted contains "anything which His Excellency would not wish published. If it "does revised letter should be sent at once."

Chief Secretary—

The letter to India, No 35, dated 9th January 1911 (marked confidential) is ~~on page 1 and~~ Mr. Earle's demi-official at page 1 ante.

A similar reference may be expected in regard to the Police Act amendment letter, No. 34, dated 9th January 1911), and Mr. Earle's demi-official.

Submitted

V.S.M.—14-1-11.

His Excellency the Governor—

The telegram (demi-official No. 6, dated 13th instant) ~~on page 1~~ was received in cipher from the Government of India on Friday night. As the previous papers had been sent to the Press, and as the Press was shut yesterday for the Pongal holiday, I could not get the papers; but I showed both the Government of India's telegram and the proposed reply to both Honourable Members, who were at the Secretariat for a meeting on the budget, and they both approved of the proposed reply subject to your Excellency's approval. If the Government of India are going to make a stand in defence of the Seditious Meetings Act, it should, I submit, be based on the grounds stated in our letter, No. 35, and there seems no reason why those grounds should not be publicly stated.

A.G.C.—15-1-11.

I accept the draft telegram. I have no objection to the publication of our letter.

A. L[AWLEY]—15-1-11.

Issue sharp in cipher.

A.G.C.—16-1-11.

Telegram—from the Chief Secretary to the Government of Madras.
To—the Secretary to the Government of India, Home Department.
Dated—the 16th January 1911.

"Demi-official No. 27 replying your telegram demi-official "No. 6 of 13th. Government of Madras consider policy advocated "by them should be publicly based on reasons set out in my letter, "35, dated 9th instant, which contains nothing not intended for "publication."

~~[Letter No. 35, Judicial, dated 9th January 1911.]~~

24/35

Government of Madras.

JUDICIAL DEPARTMENT.

CONFIDENTIAL.

For approval

Stiles
Sim 26/1

[illegible]
25/1/11

Recd.	1911.	*Enclosures*
Regd.		*Spare copies*

Letter No. 35, 9th January 1911.

Prevention of Seditious Meetings Act.

Reporting on the desirability of continuing the — beyond March 1911.

[Y/7.]

Confidential

1

PRESS SLIP.

ORDINARY. ~~**PREFERENCE.**~~ 25/35 ~~**URGENT (a).**~~

Judl DEPARTMENT.

Current No........, dated..................................190

~~G.O.~~ Letter, No....35...., dated....9 - 1 - ....1901.

Number of MS. pages sent { Correspondence (b)....13....; Notes (b1).... ~~18~~ 25

Brief subject...Prevention of Seditious Meetings Act

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C. M. SCHMIDT,
Registrar,
Chief Secretariat.

‡ *To be initialled and dated.*

P.T.O.

TO PRESS, MADRAS, ~~OOTY.~~

A

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.............................*Referencer.*

.............10/1/11.......*Supdt.*

B

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.............................*Referencer.*

.............................*Supdt.*

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.............................*Referencer.*

.............................*Supdt.*

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26/35

Government of Madras.

JUDICIAL DEPARTMENT.

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Recd. } *1911.* *Enclosures*

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Letter No. 35, 9th January 1911.

N P

Prevention of Seditious Meetings Act.

Reporting on the desirability of continuing the — beyond March 1911.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following papers :—

I

Dis. No. 27, Judicial, dated 28th January 1910.

ABSTRACT.—Recording telegram from the Government of India, Home Department, dated 12th January 1910, stating that it has been decided to put the Prevention of Seditious Meetings Act of 1907 and the Criminal Law Amendment Act of 1908 in operation throughout India in order that Local Governments may be able to make use of their provisions without delay should occasion arise.

Letter No. 878, Judicial, dated 8th June 1910.

ABSTRACT.—Informing the Government of India that this Government think it desirable that the currency of the Prevention of Seditious Meetings Act, 1907, should be extended and also that it should be permanently placed on the Statute Book.

II

Letter—from A. EARLE, Esq., C.I.E., Officiating Secretary to the Government of India, Home Department (Political).
To—the Chief Secretary to the Government of Madras.
Dated—Calcutta, the 10th December 1910.
No.—1032.

I am directed to refer to the correspondence ending with your letter noted in the margin, in which the Government of Madras recommended legislation with a view to the Prevention of Seditious Meetings Act VI of 1907, which was to have expired on the 31st October 1910, being placed permanently on the Statute Book. As the Government of Madras are aware, the Government of India decided to limit legislation in Simla merely to the extension of the Act up to the 31st March 1911. Act XVII of 1910 was accordingly passed on the 6th August 1910, continuing the Act up to that date.

No. 878, dated 8th June 1910.

2. I am now to invite the opinion of the Governor in Council on the question whether the Act should be placed permanently on the Statute Book, or be extended for a further period, or whether, on the other hand, it should be allowed to lapse on the 31st March 1911.

3. I am, in this connexion, to invite attention to the letter from the Government of India, noted in the margin, regarding the amendment of the Police Act V of 1861 by the addition to it of all the provisions contained in section 42

No. 1141, Police, dated 5th November 1910.

27/35

(1) of the Bombay District Police Act IV of 1890, with certain modifications and additions, and to enquire whether, in the opinion of the Governor in Council, if these provisions were enacted, it would still be necessary to place permanently on the Statute Book, or to continue, the Seditious Meetings Act.

4. I am to request that the Government of India may be favoured with a very early reply which, together with their letter, it may eventually be necessary to communicate to the Members of the Legislative Council.

III

Telegram—from the Government of India, Home Department.
To—the Chief Secretary to the Government of Madras.
Dated—Calcutta, 1st January 1911.

Please reply urgently to letter No. 1032, dated 10th December, regarding Seditious Meetings Act.

IV

Telegram—from the Government of India, Home Department.
To—the Chief Secretary to the Government of Madras.
Dated—Calcutta, 8th January 1911.

Continuation of reminder, dated 1st January. Please say when reply to letter No. 1032, dated 10th December, regarding Seditious Meetings Act, is likely to be received.

V

Telegram—from the Chief Secretary to the Government of Madras.
To—the Government of India, Home Department.
Dated—9th January 1911.

Your telegram yesterday regarding reply to letter No. 1032, dated tenth December. Our reply to this letter as well as to your letter No. 1141, dated 5th November, is being despatched to-day.

Letter—from the Hon'ble Mr. A. G. CARDEW, C.S.I., Acting Chief Secretary to the Government of Madras.

To—the Secretary to the Government of India, Home Department.

Dated—Fort St. George, the 9th January 1911.

No.—35, Judicial.

I am directed to acknowledge the receipt of your letter No. 1032, Home Department (Political), dated the 10th of December 1910, inviting the opinion of the Governor in Council on the question whether the Seditious Meetings Act (VI of 1907) should be extended for a further period, or should be placed permanently on the Statute Book, or whether it should be allowed to lapse on the 31st March next.

2. In reply, I am directed to invite attention to Sir William Meyer's letter No. 878, Judicial, dated the 8th June 1910, in which it was stated that in the opinion of His Excellency the Governor in Council, it is desirable that the Seditious Meetings Act, 1910, should be placed permanently on the Statute Book. For the reasons then stated it appears to His Excellency the Governor in Council that it is in every way preferable thus to make the Act permanent than by a series of renewals for specific periods to give occasion each time for fresh discussion and dispute. If the Act is to be retained at all, it should, in the opinion of this Government, be retained permanently. Nor does His Excellency the Governor in Council see that any useful purpose will be served by adopting the suggested course of temporary renewal.

3. As regards the other alternative which is mentioned in your letter, viz., that the Act should be allowed to lapse on the 31st March next, I am to state that the Government of Madras would view with great regret the adoption of that course. In the opinion of this Government the existence and operation of the Act in this Presidency has given rise to no legitimate grounds of complaint nor has its existence caused the smallest restriction upon the liberty of free speech and free meeting. In this connection His Excellency the Governor in Council would draw attention to the remarks which fell from Sir Harvey Adamson in his speech delivered in the Legislative Council of the Government of India at the meeting of the 1st November 1907. He observed that the objections to the Bill which was then before the Council had been greatly exaggerated. He pointed out that the Act was only intended to meet exceptional circumstances of danger and that as soon as those circumstances have ceased to exist the notification applying the provisions of the Act to a proclaimed area can be at once rescinded while in no case can such a notification remain in force for more than six months. He further pointed out that in the year in which he was speaking in the Madras Presidency, which had hitherto been free from political disturbances, a serious riot had occurred in Cocanada in consequence of the inflammatory speeches which had recently been delivered in that neighbourhood. Shortly after Sir Harvey Adamson's speech was delivered, a still more serious riot occurred in the town of Tinnevelly and this outbreak was traceable with equal clearness to the seditious speeches which had recently been delivered in that place by Chidambaram Pillai and other persons who have since been convicted in course of law. I am to point out that since the Seditious Meetings Act has been in existence there has been no recrudescence of this dangerous form of oratory. The existence of the Act in the Statute Book has alone been sufficient to prevent its being necessary to put in force its provisions. In its nature the Act is merely preventive and it only applies after an area has been definitely proclaimed under section 2 (1) thereof. If it is found that through the mere existence of the Act the effect which it was desired to obtain has been achieved without any restriction being actually imposed upon the liberty of speech or meeting, it appears to His Excellency the Governor in ouncil that the Act has been signally justified and that to abandon it now would e a serious administrative error.

4. In paragraph 3 of your letter under eply the attention of this Government is drawn to your letter No. 1141, Police, dated the 5th November 1910, in which certain amendments to Police Act V of 1861 have been suggested, and this Government are asked to state whether if these provisions were enacted it would still be necessary to place permanently on the Statute Book or to continue the Seditious Meetings Act, 1907. In reply to this question, I am to state that in the opinion of this Government the proposed amendments to the Police Act of 1861 though useful in themselves are not an adequate substitute for the Seditious Meetings Act. It appears to His Excellency in Council that it is in every way preferable that action intended to prevent the misuse of the right of public speech and assembly should be taken by the local Government after due deliberation and in view of the whole political atmosphere of the Presidency rather than that it should be left to be initiated by Magistrates whose information is necessarily limited to a restricted area and whose discretion may or may not be soundly exercised. The Government of Madras have no objection, however, to the additions and amendments proposed to the Police Act, 1861, but they are strongly of opinion that these amendments should be supplementary and not alternative to the Prevention of Seditious Meetings Act, 1907.

5. For these reasons the Government consider that the Seditious Meetings Act should be placed permanently on the Statute Book. They desire to emphasize the fact that though, at the present time, the condition of affairs in the Madras Presidency is such as to give no cause for any immediate apprehension, past experience shows that in the absence of due powers of restraint over seditious oratory, excitement of a dangerous character may be brought into existence at very short notice. The Government are not aware what reasons have been suggested against the continuance of the Act, but they trust that the Government of India will not allow this very salutary enactment to lapse unless they have very much more cogent reasons for doing so than are known to this Government.

[Y. / 6]
0—2-2-11.

G.O., No. 35 dated 9 . 1 . 1911.

28/35

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